

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

IN RE MENTOR CORP. OBTAPE * MDL Docket No. 2004
TRANSOBTURATOR SLING PRODUCTS * 4:08-MD-2004 (CDL)
LIABILITY LITIGATION *
Case No.
* 4:10-cv-5061 (Jacobs)

O R D E R

Presently pending before the Court is the parties' Joint Motion for Suggestion of Remand to the United States District Court for the Middle District of Florida (ECF No. 17 in 4:10-cv-5061). As discussed below, the motion is granted.

Plaintiffs Denise and John Jacobs alleged in their Complaint that they sustained injuries caused by Mentor's suburethral sling product, ObTape Transobturator Tape ("ObTape"), which is at issue in this multidistrict litigation proceeding. Compl. ¶¶ 15, 18-20, ECF No. 1 in 4:10-cv-5061. Accordingly, the Judicial Panel on Multidistrict Litigation found that their case may "involve questions of fact that are common to the actions" that are part of this multidistrict litigation proceeding. Conditional Transfer Order (CTO-20), ECF No. 388 in 4:08-md-2004.

During discovery, however, the parties learned that Mrs. Jacobs was not implanted with ObTape but with a different suburethral sling. Given that this case does not involve

ObTape, it does not "involve questions of fact that are common to the actions" that are part of this multidistrict litigation proceeding. Therefore, the Court grants the parties' request for a suggestion of remand so that the Judicial Panel on Multidistrict Litigation may enter an order transferring this case back to the transferor district court, the United States District Court for the Middle District of Florida.

IT IS SO ORDERED, this 14th day of July, 2011.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE